87-315

Supreme Court, U.S.
FILED
JUL 30 1987
JOSEPH F. SPANIOL, JR.
CLERK

Case No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1986

WILLIAM E. TICKEL, JR., Appellant

VS.

THE STATE OF GEORGIA, Appellee

On Appeal from the
SUPREME COURT OF THE STATE OF GEORGIA

JURISDICTIONAL STATEMENT

WILLIAM E. TICKEL, JR.
Appellant In Propria Persona
Route 1, Box 295
Calhoun, Tn. 37309
(615) 336-3383

QUESTIONS PRESENTED

1. Can the Appellant, a natural unenfranchised person, sui juris, be compelled into statutory (maritime) jurisdiction in order to exercise a common law right?

2. Does Appellant meet the definition of "person" as defined in OCGA 40-1-1 when that definition clearly pertains only to statutory persons and/or "natural persons" who have acquired statutory status?

3. Can the Appellant be forced to grant jurisdiction in order to exercise his right to counsel of choice?

4. Was Appellant "informed of the nature and cause of the accusation" when the trial court refused to specify the type of jurisdiction exercised and the stipulations by which the court assumed personal jurisdiction over the Appellant?

5. Were Appellant's common law rights violated when the trial court forced Appellant to trial with a statutory panel of six persons instead of a common law jury?

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	1
TABLE OF CONTENTS	ii
TABLE OF AUTHORTIES	iii
OPINIONS BELOW	1
CONSTITUTIONAL PROVISIONS INVOLVED	5
STATEMENT OF THE CASE	10
PLENARY CONSIDERATION	25
CONCLUSION	27

APPENDICES

	Appendix
Appeals Court of Georgia Opinion(s)	-1-
Supreme Court of Georgia Opinion	-2-
Notice of Appeal	-3-
Affidavit of Status	-4-
Some Misstatements	-5-
Certificate of Filing and Service	-6-

TABLE OF AUTHORITIES

Page

CONSTITUTIONAL AUTHORITIES

United States Constitution

Preamble 5, 10

Article I, Sec 10 5

Article IV, Sec 2 . Appendix 4 -1-

Article V, Bill of Rights . . . 16

Article VI, Bill of Rights . 17, 20

Amendment 13 8

Amendment 14 . . . . 5, 8, 9, 15, 21

Georgia Constitution (1983 version)

Article I, Paragraph XI (b). . . 21

CASES

Catlin v. U.S.,
524 US 229, 233 (1954) 4

Covington & L.T. Road Co. v. Sandford,
164 US 578 (1896) 14

Dred Scott v. Sanford,
19 How. 393 . . . . . Appendix 4 -1-

Grosjean v. American Press Co.,
297 US 233, 244 (1936) 14

Hague v. CIO,
307 US 496, 509 . . . . Appendix 4 -2-

Hale v. Henkel,
201 US 43, 47 13

Hawkins v. State of Ga.,
336 SE 2d 220 . . . . . 22, 23

CASES

Hunter v. Martin,
1 Wheat 305, 324 . . . . Appendix 4 -1-

Johnson v. U.S.,
225 US 405 (1912) 18

M'Culloch v. Maryland,
4 Wheat 316, 324 . . . . Appendix 4 -1-

Patton v. U.S.,
281 US 276, 288 . . . . . 8, 21, 22, 23

The Slaughter House Cases,
83 US 395, 408 . . . . . Appendix 4 -2-

Twining v. New Jersey,
211 US 78, 98-111 13

U.S. v. Anthony,
24 Fed. Case 829 (1873). Appendix 4 -2-

Van Valkenburg v. Brown,
43 Cal 43, 47 (1872) . . Appendix 4 -2-

Williams v. Florida,
399 US 78, 86 . . . . . 8, 22, 23

Yick Wo v. Hopkins,
118 US 356 (1886) 14

OTHERS

Bouvier's Law Dictionary,
14th Edition, 1879 . . . . . 13, 20

Commentaries on the Constitution,
Justice Joseph Storey, Volume 1,
De Campo Press Reprints . Appendix 4 -1-

STATUTES

OCGA 40-1-1 . . . . . 1, 13, 16

OCGA 15-12-125 21

OPINIONS BELOW

The opinion of the Court of Appeals of the State of Georgia, *Tickel v. State*, Case # 73984 (Bi-35), was filed on February 3, 1987 and was "NOT TO BE OFFICIALLY REPORTED."

Appellant's Motion for Rehearing was denied on March 2, 1987. A "concurring specially" opinion by Justice Deen was filed on the same date and made a part of the court's original opinion of February 3, 1987. These opinions are included with this Statement as Appendix 1.

The Supreme Court of the State of Georgia issued no opinion (Case # 44474) with their denial on April 30, 1987 of Appellant's Petition for Writ of Certiorari to the Court of Appeals. A reproduction of the post card sent is included as Appendix 2.

GROUNDS FOR INVOKING JURISDICTION

Nature of the Proceeding.

The instant cases are either common law crimes without a corpus delecti, or maritime crimes with an unknown stipulation granting jurisdiction. Appellant was unable to obtain any statement from the trial court or the appellant courts on the type of jurisdiction exercised by the trial court, or the cause and nature of the accusations. They appear, however, to be maritime crimes administered by a legislative tribunal.

Appellant was charged with two counts of Driving With No License, two counts of Operating a Vehicle With No License Plate, and one count of Improper Passing. Appellant was found guilty by the District Court, fined $3500.00 and court costs, and placed on twenty-four months probation.

Date of Order of Rehearing.

The initial appeal to the Court of Appeals was docketed on October 31, 1986; heard on January 12, 1987; and denied on

February 2, 1987. A Motion for Rehearing was filed with the Court of Appeals of Georgia on February 10, 1987 and denied on March 2, 1987.

Date of Judgment to be Reviewed.

The Supreme Court of the State of Georgia denied Appellant's Petition for Certiorari to the Appeals Court of Georgia by order filed April 30, 1987.

Date of Notice of Appeal.

The Notice of Appeal was filed with the Supreme Court of the State of Georgia on May 22, 1987. A true copy of the Notice of Appeal was filed with the Appeals Court of the State of Georgia as the court possessed of the record. An additional copy was filed with the District Attorney of Ocmulgee District pursuant to Rule 10.4, and a copy was filed with the Attorney General of Georgia pursuant to Rule 28.4(c). A copy of the Notice of Appeal is included in this Statement as Appendix 3.

Provisions Conferring Jurisdiction.

This Appeal is made pursuant to 28 USC 1257 (2) which provides that final judgments made by the highest court of a State may be reviewed "where is drawn in question the validity of a statute ... on the ground of it being repugnant to the Constitution, ... and the decision is in favor of its validity."

Appellant is, and was at the instant time, a common law resident of the State of Tennessee as comtemplated by Article IV, Section 2 of the United States Constitution.

The Supreme Court of Georgia refused to grant Appellant's Petition of Certiorari. That court has therefore rendered its decision in the instant case by assenting to the judgment of the Court of Appeals of Georgia. This Court has ruled that these conditions render such judgments final. See *Catlin vs United States*, 524 US 229, 233 (1954).

CONSTITUTIONAL PROVISIONS INVOLVED

The Preamble to the United States Constitution is concise and clear. It establishes beyond question to whom the organic Constitution applies. This Court has affirmed on many occasions that the judicial citizenship recognized by the organic Constitution is different than the legislative citizenship bestowed by the Fourteenth Amendment. See Appendix 4.

This case will contrast the rights due a natural, unenfranchised person, i.e., *a member of the sovereign body*, and the legislative privileges granted the Fourteenth Amendment citizen.

The Constitution specifically forbids the States from certain conduct in Article I, Section 10. One such prohibition is in Clause 1 whereby "No State shall ... pass any ... Law impairing the Obligation of Contracts." The State of Georgia has violated that prohibition in the application of

commercial statutes to the Appellant, a natural, unenfranchised person, sui juris. The State of Georgia would force the Appellant to "voluntarily" stipulate to maritime contract in order to exercise a common law right.

Nor does the zeal of the State of Georgia in applying statutory law to the Appellant, to the deprivation of his natural rights, stop there. The State of Georgia forced the Appellant to represent himself *In Propria Persona* by denying Petitioner counsel of his choice who could plead the threshold question of jurisdiction without giving jurisdiction. This "Catch-22" is contrary to every tradition of American jurispurdence, and is a direct violation of the Appellant's right to counsel of choice as specifically guaranteed by the Sixth Article of the Bill of Rights, and Appellant's fundamental right of Common Law "due process" as guaranteed by the Fifth Article of the Bill of Rights.

The State of Georgia refused to inform the Appellant of the "nature and cause of the accusation" as required by Article Six of the Bill of Rights. The Appellant specifically asked the trial court, in written and verbal plea, for the following particulars concerning the instant charges: Under what jurisdiction was the Appellant being forced to appear? Common law? Admiralty? Equity? If Common Law, where is the Corpus Delecti? If Admiralty, by what stipulation of the Appellant did the court gain jurisdiction? Appellant could not plead or defend without this information. The trial court, and every appellant court, has refused to answer these questions concerning the "nature and cause of the accusation."

The State of Georgia violated Appellant's Sixth Article right to a common law jury. Appellant was tried in the instant case, over objection, by a statutory panel of six legislative persons rather than twelve peers as spelled out by this Court in

Patton v. U.S., 281 US 276, 288 and further defined in *Williams v. Florida*, 399 US 78 at 86 in its application through the Fourteenth Amendment to those subject to legislative jurisdiction.

It must be specifically noted that this appeal is outside the purview of the Thirteenth and subsequent related amendments. Appellant is not a citizen as contemplated by the Fourteenth Amendment, and has never claimed any rights under civil law. An Affidavit attesting to Appellant's status and class of citizenship is included with this Statement as Appendix 4. Appellant's class of citizenship is a matter of stipulated and uncontested fact in the instant case.

Appellant totally and completely disclaims any contention that may arise alleging that the Thirteenth and any subsequent amendments are a basis for jurisdiction in the instant appeal, or a basis for adjudication of the instant appeal. Appellant's

citizenship is a matter of natural right and owes nothing to the Fourteenth Amendment and the legislative citizenship it offers to those thus contemplated.

STATEMENT OF THE CASE

Appellant is a free, white citizen of the State of Tennessee as specifically defined by the Preambles of the Constitutions of Tennessee and the United States. See *Affidavit of Status*, Appendix 4.

This issue was raised at arraignment by the Appellant. In both written pleadings submitted prior to the arraignment, and at the arraignment itself, Appellant appeared by Special Appearance and denied the jurisdiction of the court over his person by reason of his undiminished class of citizenship. The issue was raised again at the motion hearing on jurisdiction and rights.

Appellant continued to raise this issue at each level of the appellate process. The trial court refused to address the issue. This is not surprising. The trial court is a statutory court which has no power to decide constitutional law. The trial court in the instant case is a creature of the legis-

lature, and must follow the will of its creator, as the Article I tribunals of the United States must do the will of the Congress.

Appellant, in support of his claims to be an unenfranchised, natural person, sui juris, produced evidence that he held no state, federal, or national franchise, and no license or other privilege. This evidence was produced, with the supporting affidavits, at each stage of the proceedings. Appellant's status-at-law and class of citizenship was never challenged or denied by the trial court, the district attorney, nor any of the appellate courts.

The Georgia Court of Appeals did partially acknowledge Appellant's arguments by stating that, "If we adopted appellant's view, we would have two types of citizens in this state: first-class, superior, sovereign unenfranchised persons with unrestricted rights to travel ..., and second class, inferior, enfranchised persons who possess the right to travel but are subject ...." The

Appeals Court then rejected Appellants view because " ... special preference for some, whether racial, sexual, or with reference to the "rules of the road" -- does not and cannot exist in the administration of justice in this state." See Appendix 1, p. 2-3 of "Concurring Specially Opinion." This opinion is not rooted in law, but in the prevailing mores of socialist and proletariat equality brought into popularity by the fiction of law that *ALL* natural persons, regardless of circumstance, have the status of Fourteenth Amendment Citizens of the United States and are therefore subject to the whims of the legislature, even to the denial and degradation of natural rights.

The trial court presumed jurisdiction with no explanation and forced Appellant to trial. In so doing, the trial court not only violated other rights belonging to the Appellant but did, in fact and law, misapply the Georgia Statutes *as they are written*

to the Appellant. Appellant pointed out to the trial court, and to all levels of the Appellate Courts that the definition of "person" as defined in Georgia Code 40-1-1 did not apply to the Appellant. The definition of "person" in Code Section 40-1-1 reads as follows:

40-1-1. Definitions.

As used in this title, the term:

(38) "Person" means every natural person, firm, copartnership, association, or corporation.

Bouvier's Law Dictionary, 14th Ed. (1879) defines the term "person" as follows: ".... The term, as is seen, is more extensive than man, - including artificial beings, ... as well as natural beings. But when the word "persons" is spoken of in legislative acts, natural persons will be intended, unless something appears in the context to show that it applies to artificial persons." (Emphasis added.)

In *Hale vs. Henkel,* 201 US 43, 74

this Court ruled that there is a clear distinction between an individual and a corporation, and that one of those differences was that the individual "may stand on his rights as a citizen ... and [H]is power to contract is unlimited ...."

This Court has also ruled that the meaning of the word "person" as used in the 14th Amendment is not to be restricted by the definition of the word "citizens," and includes all within the United States regardless of race, color, and nationality. See *Yick Wo v. Hopkins*, 118 US 356 (1886). And has additionally ruled that corporations are persons within the meaning of the constitutional provisions of the 14th Amendment which forbid the deprivation of property without due process of law. See *Covington & L.T. Road Co. v. Sandford*, 164 US 578 (1896); *Grosjean v. American Press Co.*, 297 US 233, 244 (1936) and cases cited. It is important to also note that the "due process of law" guaranteed by

the 14th Amendment is not the same "due process of law" recognized by Article V of the Bill of Rights. The "due process" of the 14th Amendment is in accordance with the Roman civil law while that of the Fifth Article is in accordance with the common law. Fourteenth Amendment "due process" consist of "notice and opportunity for hearing" and does not require the presence of judge, jury, or even a judicial proceeding. It may be administered "as appropriate" to the case at hand. See *Twining v. New Jersey*, 211 US 78, 98-111.

It is then clearly established that there is a difference between the rights of (unenfranchised) natural persons and juristic persons. Therefore, any natural person included in the same list, and which does not distinguish between them, must necessarily have the same status as a firm, copartnership, association or corporation. Any other explanation of "person" would

immediately render such a statute constitutionally suspect. Appellant is not such a person as defined in Georgia Code 40-1-1.

During the jurisdictional hearing Appellant demanded the right to counsel of choice who was not a licensed attorney to plead the threshold issue of jurisdiction. This demand was denied even though appearance of a member of the bar to plead jurisdiction for the Appellant would have granted jurisdiction. Thus Appellant was forced to represent himself. Appellant did not appear *Pro Se*, but *In Propria Persona*. Appellant's pleadings, both oral and written, to the trial court pointed out the violation of Appellant's Fifth Article right to common law "due process," and his Sixth Article right to counsel of choice. These pleadings were denied by the trial court without comment or reason. The Court of Appeals likewise denied Appellant's right to counsel of choice. The Appeals Court de-

nial did not answer the threshold question of jurisdiction. The court simply stated that, "The trial court properly denied Mr. Tickel the right to be "represented" in a superior court by a non-licensed person unversed in the law."

Article VI of the Bill of Rights guarantees that the accused "be informed of the nature and cause of the accusation." Appellant has not, to this date, received response in any form from any Court in answer to Appellant's Notices, Demands, Pleas, Memorandums, Briefs, and Motions for an explanation of the nature of the charges and the cause of the accusation.

Appellant was unable to obtain an answer from the trial court stating the nature of its specific jurisdiction concerning the instant charges, i.e., under what specific jurisdiction was the court forcing the Appellant to appear? Common Law? Equity? Admiralty?

After the arraignment, Appellant tried again to obtain an answer from the court on the nature of its jurisdiction. Appellant submitted *A Statement for the Record Concerning the Arraignment*, in which Appellant specifically asked the trial court to answer five questions: All are paramount in determining "the nature and cause of the accusation." No answers to the questions have ever been supplied, either verbally or in writing, by any court.

The trial court insisted it had "answered" the questions by reaffirming what the Appellant had already made a matter of record: Appellant had no driver's license and no tag on the vehicle in question. The sterile recital of the indictment does not satisfy the requirement of informing the accused if no plea is entered by the accused. See *Johnson v. United States*, 225 US 405 (1912).

The trial court refused to answer the

question: In what type of court is the Appellant being forced to appear? The trial court refused to answer the question of how, if the court was an equity or maritime court, the Appellant had stipulated to those jurisdictions; and how if it were a common law court, the charges were common law crimes? Not being specifically informed of the nature of the court into which the accused is dragged is a clear violation of the restraints placed on government by Article VI of the Bill of Rights; for in truth, without this information, how can the accused defend himself? Is it not true that the jurisdictions encompass different rules and procedures? Is it not true that a valid defense in the common law would be without merit in Admiralty? How can the type of jurisdiction in which an accused is forced to appear be withheld?

The Appeals Court ruled that the Appellant understood the nature and cause of the charges. This ruling was made because the

Appellant "admitted" during the jurisdiction hearing that he knew which numbered sections of the Code he was being accused of violating; and that his lack of understanding "arose solely out of his contention that he was an unenfranchised person who was not properly before the court."

The Appellant entered the trial court in special appearance and continued to contest jurisdiction. After being forced to trial, Appellant demanded a common law jury of twelve peers.

> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury .... *Article VI of the Bill of Rights, United States Constitution.*

In all cases before the Fourteenth Amendment, and its application to 14th Amendment citizens, the word "jury" was defined thusly:

> The number of jurors must be twelve; and it is held that the term jury in the constitution imports, ex vi termim, twelve men." *Bouviers Law Dictionary,* supra, p. 771.

> [...]we first inquire what is embraced by the phrase "trial by jury." That it means a trial by jury as understood and applied at common law, and includes all the essential elements as they were recognized in this country and England when the Constitution was adopted, is not open to question. Those elements were - (1) that the jury should consist of twelve men, neither more nor less; .... " *Patton v. U.S.*, 281 US 276, 288.

Georgia's Constitution allows the General Assembly to "prescribe any number, not less than six, to constitute a trial jury in courts of limited jurisdiction and in superior courts in misdemeanor cases." *Georgia Constitution, Article I, Bill of Rights, Para. XI (b).* The Georgia Constitution was rewritten in 1945, 1976, and 1983. All three of these "new" Constitutions were written under the purview of the Fourteenth Amendment. More specifically, the 1983 Georgia Constitution's liberty with the number of jurors required, and the General Assembly's passage of OCGA 15-12-125 placing the number of jurors in Appellant's case at six is not lawful when

applied to the Appellant. Note that *Patton's* right to a twelve-man jury was "not open to qestion." And yet a six-person statutory panel was acceptable in the *Williams* case below:

> We hold that the 12-man panel is not a necessary ingredient of "trial by jury," and that respondent's refusal to impanel more than the six members provided for by Florida law did not violate petitioner's Sixth Amendment rights as applied to the States through the Fourteenth. *Williams v. Florida*, 399 US 78 at 86.

The Appeals Court stated that the Appellant claims that the jury should have consistent beliefs with Appellant. This is not true. Appellant held (as a secondary issue) that a Common Law jury must be composed of peers; and that statutory citizens sitting on statutory juries are not peers of a full Preamble Citizen. This was dismissed as having no merit, but without case cite.

Hawkins v. State, 255 Ga. App. 172 (336 SE2d 220) was cited to justify the ruling that a six-person "jury" did not

violate Appellant's Common Law rights. In Judge Deen's own words, "The Common Law of England in force on May 14, 1776 was adopted in Georgia on February 25, 1784." And that "Appellant's individual rights under the Common Law ... were not violated." How is this possible if, according to a ruling by this Court that a Common Law jury's composition of twelve ("neither more nor less") is not open to question? *Patton*, supra. *Hawkins* and *Williams* were obviously Fourteenth Amendment Citizens and not entitled to Common Law rights, but only to statutory privilege. This is the only explanation that reconciles the two apparently conflicting statements. Such a ruling in the instant case is not possible.

The Court of Appeals opinion for this case is filled with misstated assertions and contentions of the Appellant. Some are outrageously incorrect. Appellant's effort, to this point, has been to conform to this

Court's rules, and at the same time, "undo" the most incorrect. Many, however, are only subtly misapplied, misstated, or out-of-context. It is an impossible task for the Appellant to correct these deviations in the short space of this Statement. The Appellant can only make it a matter of record that these things have been made a matter of record; and that they were pointed out in Appellant's pleading to the Georgia Supreme Court. That pleading is not included here. Appellant therefore asks this Court to make future reference to Appellant's pleadings to ascertain their content if a contradiction seems to be present. Appendix 5 of this statement shows two such examples of the Appeals Court's "mis-statements".

THE REQUIREMENT FOR PLENARY CONSIDERATION

This is not a traffic citation case. The trial court understood the issues, and obviously believed the Appellant was right. Fines of $3500.00, court costs, and two years probation are not meted out to first-time offenders for driving without a driver's license.

The Constitutional Law at the core of this case strikes at the very heart of the legal tyranny which has been imposed by unrestrained legislative power. Even the courts have been constrained to enforce legislative edict. Article I tribunals, under the appearance of Article III courts, rountinely and legally strip away the rights of a once free people.

This case is about the recovery of liberty. Is it possible for a Preamble Citizen to lawfully recover his birthright? Or has the fiction of law that all natural persons are now residents of the District of Colum-

bia progressed to the point of no return, regardless of the efforts made by that person to make that return?

Tyranny in any form is still tyranny. It matters not if natural rights are denied by a distant king or by an elected legislature. This case is about the organic law of the United States, and how and when it can be lawfully claimed or lawfully denied.

Appellant requests that this appeal be heard with briefs and oral presentations from all parties so that the law and facts can be ruled on by this august body. The Constitution demands no less.

CONCLUSION

WHEREFORE, the Appellant requests that this Court docket this case, order the submission of briefs, the hearing of oral arguments, and thereafter rule on the issues of law herein presented.

Dated this 28th day of July in the year of Our Redemption, and by the Grace of Our Lord, Jesus Christ, 1987.

Respectfully Submitted,

William E. Tickel Jr.

WILLIAM E. TICKEL, JR.
Appellant In Propria Persona
Route 1, Box 295
Calhoun, Tn. 37309
(615) 336-3383

FEB 3 1987

NOT TO BE OFFICIALLY REPORTED

In the Court of Appeals of Georgia

73894. Tickel v. The State. (Bi-35)

BIRDSONG, Chief Judge.

William E. Tickel, Jr. was convicted by jury of two counts of driving without a license, two counts of driving without having a license plate on his vehicle and one count of illegal passing in a no passing zone. He was sentenced to serve twelve months probated upon the payment of a $3,500 fine. He brings this appeal enumerating seven asserted trial errors.

The facts of this case are not in contention and clearly establish that Mr. Tickel, a legal resident of the state of Tennessee but at work on construction in this state, passed another car on a hill to the left side of a solid yellow line (i.e., a no passing zone) under the constant view

of a patrolman in an approaching patrol car. Upon being stopped by the patrolman, Mr. Tickel candidly admitted that he did not possess a driver's license and had upon the rear of his car a tag reading "Common Law 1776" but one not issued by any licensing jurisdiction.

What distinguishes this case from other cases involving issues of traffic violations is Mr. Tickel's contention that he is an unenfranchised natural person who is subject only to the original laws adopted by the United States at its inception as a nation. He contends that as an unenfranchised natural person, laws adopted by the individual states subsequent to the adoption of the fundamental laws are applicable to unenfranchised, natural persons only if they consent thereto. Thus, Mr. Tickel contends that laws enacted for public safety by individual states are in effect laws of contract. In exchange for the enhanced safety offered by the State through its police,

fire, and medical regulations (paid for by taxes), the franchised citizen of the state accepts not only the protection but the duty to submit to the laws used to enforce and guarantee these protections. His argument continues to the effect that a State cannot compel a natural citizen to enter into a such a contract and if the natural, unenfrachised citizen does not accept the contract with its terms, the natural citizen is not bound by the laws used to enforce the contract. Within the premise argued by Mr. Tickel, the enactment of traffic laws by a State can only be intended by the State to regulate the conduct of those franchised citizens submitting themsleves to those regulations. A further facet of Mr. Tickels's argument is that while it is possible for an unenfranchised, natural citizen to be subject to rules of navigation (i.e., travel upon the highways of the United States), this is a matter of maritime law solely within the province of the United States.

Therefore it is his contention that the legislative acts of a subordinate jurisdiction are not applicable to a natural citizen of the United States. Mr. Tickel offered evidence that he had repudiated any connection with the Social Security System, had no driver's license or license tag, nor did he acknowledge a birth certificate on file in the State of Texas. It is within the general context of these propositions that Mr. Tickel offers his seven enumerations of error. Held:

1. Mr. Tickel contends that because he is not a citizen of Georgia and harmed no one, nor did he violate any "basic common law" to which as a natural citizen of the United States he is subject, the trial court unlawfully coerced him under an improper assertion of police power before the court and illegally exercised jurisdiction over his person. He contends the State did not prove that he was a "person" subject to the "contractual" traffic laws of this state. He

argues the trial court was obligated to inform him whether the court was acting as a court of equity, civil court on a contract matter or attempting to exercise maritime powers or a common law court enforcing the general law and whether the alleged infractions were violations of a contract, laws of navigation or common law. It is contended the failure to give such advice denied him a fair trial. He likewise argues that he was entitled to be represented by counsel of his choice, such counsel to hold views similar to his own. The only person Mr. Tickel could offer as counsel was not a licensed member of any bar, nor could he be, for a license would not allow the counsel to be an unenfranchised natural citizen. Being a layman required to defend himself, Mr. Tickel urges error in the refusal of the trial court to inform Tickel during the progress of the trial when an objection was appropriate or when procedurally to act in an appropriate way. Mr. Tickel further con-

tends that inasmuch as he is subject only to the "common law" he was denied his lawful rights by being tried by a jury of six rather that the common law jury of 12 and further his "peers" should hold consistent beliefs. Lastly, Mr. Tickel argues the punishment imposed by the trial court was harsh and vindictive because he (Tickel) was only exercising the right of any citizen, i.e., the right to challenge "city hall."

We find no merit in any of these enumerations. It is clear that the State of Georgia may require owners of motor vehicles to obtain a license tag for such vehicle with certain exceptions not here applicable. OCGA 40-2-20. Likewise, OCGA 40-6-46 proscribes passing in a no passing zone. OCGA 40-5-20 (a) states that no person shall drive a motor vehicle upon a highway of this state without a valid drivers's license. The evidence is clear that Mr. Tickel violated each of these statutes. It likewise equally is clear that Mr. Tickel

is a person subject to such laws when he voluntarily exercises the right to drive upon the highways of this state. Johnston v. State, 236 Ga. 370, 371 (223 SE2d 808).

Likewise, it is clear from the transcript that Mr. Tickel understood the charge and in what manner the State contended he violated the charge and in what manner the State contended he violated the several statutes. Mr. Tickel's lack of understanding of the charges arose solely out of his contention that he was an unenfranchised person who was not properly before the court. The law has no special niche for those who would create a special category of citizenship nor owes any explanation as to why its laws should apply equally to all citizens.

The trial court properly denied Mr. Tickel the right to be "represented" in a superior court by a non-licensed person unversed in the law. Lebrun v. State, 255 Ga. 406 (2) (339 SE2d 227).

The trial court also properly refused to act as advocate for Mr. Tickel which would have been the result if the trial court sua sponte advised Tickel of the proper time to consider objections, motions or other procedural actions.

OCGA 15-12-125 provides for a six-member jury in misdemeanor cases. This action was consistent with constitutional safeguards. See Hawkins v. State, 255 Ga. App. 172 (336 SE2d 220). member

We will not consider the issue of excessiveness of the sentence, which was well within the parameters of OCGA 17-10-3. Mr. Tickel was convicted of five misdemeanors. With exceptions not here relevant, a misdemeanor is punishable by a fine not to exceed $1,000, imprisonment not to exceed 12 months or both. OCGA 17-10-2. A sentence was imposed by a trial court acting within its discretion which is within the limits prescribed by law for the offenses charged and found guilty is lawful and falls with-

out the jurisdiction of this court to review for error or the trial's court refusal to reduce it. Bolden v. State, 148 Ga. App. 315, 317 (5) (251 SE2d 165); Jackson v. State, 142 Ga. App. 565 (1) (236 SE2d 549); Anderson v. State, 129 Ga. App. 1 (198 SE2d 329); Bowman v. State, 91 Ga. App, 52, 54 (7) (85 SE2d 66).

Judgment affirmed. Deen, P.J. and Pope, J., concur.

DEEN, Presiding Judge, concurring specially.

While concurring fully with the majority opinion, I feel compelled to set forth other pertinent facts and observations to answer appellant's contention that we have ignored and failed to address his main and "overriding questions of constitutional law" to the effect that he is not the type of "person" subject to and bound by Georgia law.

He was operating his vehicle on the highways of Georgia without a driver's license, passing on a double yellow line, and had no valid license plate, although he did have a tag on his car reading "Common Law 1776." Appellant contends he is a natural-born white freeman who is an unenfranchised citizen under Dred Scott v. Sandford, 19 How. 393 (1857), as opposed to what he terms a 14th-Amendment-enfranchised citizen. He

has demanded his rights under the common law, the Magna Carta, the Bill of Rights of 1689, the Articles of Confederation, the Declaration of Independence, the U.S. Constitution, the Bill of Rights of 1787, and the 1964 Civil Rights Act.

Demand was made at the trial level for a judge "who is not a Mason or a Jew." He rejected the former because, he alleged, Masons take an oath that if one "gets the sign ... he will ... honor the request of any other Mason ... regardless of the law involved ..." The latter, he averred, in taking the Jewish oath of Kol Nidre on the Day of Atonement each year, would vow, "No matter what he's done to anybody, as long as it wasn't a Jew, it wasn't wrong." This demand was denied by the trial court, and we affirm.

The Supreme Court of Georgia transferred this case to this court because the issues presented concern only "an application of the Constitution." The Common Law of

England in force on May 14, 1776, was adopted in Georgia on February 25, 1784. Neither appellant's individual rights under the Common Law, nor his Equal Protection rights under the 14th Amendment to the U.S. Constitution and Article I, Section 1, Paragraph II, of the Georgia Constitution have been violated. If we adopted the appellant's view, we would have two types of citizens in this state: first-class, superior, sovereign unenfranchised persons with unrestricted rights to travel but without any responsibility to uphold the state penal statutes, and second-class, inferior, enfranchised persons who possess the right to travel but are subject to state law. Discrimination -- i.e., special preference for some, whether racial, sexual, or with reference to the "rules of the road" -- does not and cannot exist in the administration of justice in this state. "In the court house, the standard of justice for both sexes [all races and persons] is the same.

Like the sun, the law shines on all who are in the same place with equal warmth and splendor." Boland v. Klink, 63 Ga. 448, 453 (1879). The latter case goes on to hold that even "the most charming and attractive woman in the universe, loaded down with misfortune, is not to prevail as a suitor where she is in the wrong, be her adversary whom he may." (Emphasis supplied.)

One of the first judges on this court, Judge Powell, has expressed it well: "But the prime cardinal essential of juridic justice is expressed in the homely colloquialism, 'Feed everybody out of the same spoon.'" Lanham v. Presley, 7 Ga. App. 839 (68 SE 448) (1910). Justice Lumpkin, in contrasting the theory of government in Great Britian with that of the United States, has emphasized that here "the supreme power resides in the people. There, the government is master of the people; here the people are masters of the governement." Beall v. Beall, 8 Ga. 210, 215 (1850). It

follows that all our people are subject to the same rights and responsibilities under the law. This is still the posture of our law. Therefore, we have no alternative but to affirm.

Judgment affirmed. Pope, J., concurs. Deen, P.J., concurs specially.

COURT OF APPEALS OF THE STATE OF GEORGIA

Atlanta, March 2, 1987

The Court of Appeals met pursuant to adjournment. The following order was passed:

73894. William E. Tickel, Jr. v. The State

Upon consideration of a motion for rehearing filed on behalf of appellant in the above case, it is hereby ordered that the sp-special concurrence attached hereto be attached to the original majority opinion dated February 3, 1987, it is further ordered that page 7 attached hereto be substituted for page 7 of the original opinion dated February 3, 1987. Motion for rehearing is hereby denied.

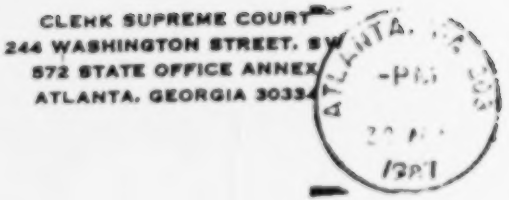
Court of Appeals of the State of Georgia

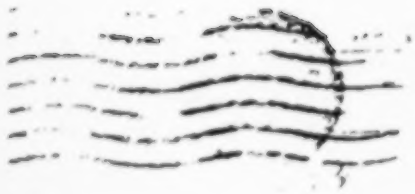
Clerk's Office, Atlanta Mar 2 1987

I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia. Witness my signature and the seal of said court hereto affixed the day and year last above written.

S/ Victoria McLaughlin. Clerk.

CLERK SUPREME COURT
244 WASHINGTON STREET, SW
572 STATE OFFICE ANNEX
ATLANTA, GEORGIA 30334





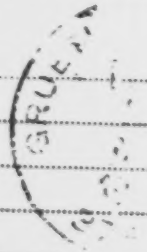
William E. Tickel, Jr.
Route 1, Box 295
Calhoun, Tennessee
37309

CLERK'S OFFICE, SUPREME COURT OF GEORGIA

Atlanta APR 30 1987

Case No. 44474. Tickel, Jr. v. The State

The Supreme Court today denied the writ of certiorari in this case.
All the justices concur.



Very truly yours,

JOLINE B. WILLIAMS, Clerk

IN THE SUPREME COURT
OF
THE STATE OF GEORGIA

WILLIAM E. TICKEL, JR., Defendant-Appellant	)	Case No. 44474
Vs.	)	
STATE OF GEORGIA, Plaintiff-Appellee.	)	NOTICE OF APPEAL

Comes now, WILLIAM E. TICKEL, JR., a natural unenfranchised person, Sui Juris, and gives notice to this Court that Appellant will file an Appeal to the Supreme Court of the United States from the Order entered by this Court on April 30, 1987 denying Certiorari to the Appeals Court of the State of Georgia (Case # 73894) which erroneously upheld Appellant's conviction in Criminal Admiralty by the Superior Court of Wilkinson Co., Georgia (Indictment 86-7-5641 & 5644).

I

This Notice of Appeal is filed pursuant to Rule 10 of the Rules of the Supreme Court of the United States, and in lieu of Rule 16

Dated this 22nd day of May in the year of Our Redemption, and by the Grace of Our Lord, 1987.

Respectfully Submitted,

S/WILLIAM E. TICKEL, JR.
Appellant Sui Juris
In Propria Persona
Route 1, Box 295
Calhoun, Tn. 37309
(615) 336-3383

AFFIDAVIT OF STATUS

STATE OF TENNESSEE)
)
COUNTY OF MCMINN)

I, WILLIAM E. TICKEL, JR., do hereby freely dispose, affirm, and state the following to be true to the best of my knowledge and belief:

1) That I was born on December 23, 1928 in Laredo, Texas, County of Webb, to William E. and Marie Victoria Tickel.

2) That I have lived in McMinn County, Tennessee since January of 1982.

3) That I am part of the posterity, in blood, of "We the People," as specifically contemplated in the Preamble of the United States Constitution. See *Commentaries on the Constitution of the United States,* Justice Joseph Storey, Volume 1, De Capo Press Reprints (1970) at page 443-447. See also *Dred Scott v. Sanford,* 19 How. 393; *Hunter v. Martin,* 1 Wheat 305 at 324; *M'Culloch v. Maryland,* 4 Wheat 316 at 405.

4) That I am a natural born, white, United States of America Citizen de jure as specifically defined in *Dred Scott v. Sanford,* 19 How. 393.

5) That I am a common law citizen of the State of Tennessee as contemplated by Article IV, Section 2 of the United States Constitution.

6) That I am not a citizen as contemplated and defined by the Fourteenth (14th) Amendment to the Constitution of the United States of America, and that my rights are not subject to purview through the 14th Amendment. See *Van Valkenburg v. Brown,*

43 Cal 43, 47 (1872); *United States v. Rhodes*, 27 Fed. Cas. 785, 794 (1866); *United States v. Anthony*, 24 Fed. Cas. 829, 830 (1873); *The Slaughter House Cases*, 83 US 395, 408; *Twining v. New Jersey*, 211 US 78, 96; *Hague v. CIO*, 307 US 496, 509.

7) That I have no contracts of any kind, whether actual, quasi, pseudo, adhesion, or implied which limit, waive, hinder, impede, impair, or negate any of my Constitutional and Common Law Rights as specifically declared in the *organic* Constitution of the United States of America; or which bring my Rights into purview of the Fourteenth Amendment.

8) That I have no insurable interests held by any county, state, or federal government.

9) That I am not engaged in business, trade, commerce, or industry in any manner, or in any capacity, and am not therefore subject to the jurisdictions of equity, mercantile equity, maritime (admiralty), or executive chancery.

10) That I enjoy no privilege of limited liability for the payment of debts.

11) That I exercise my right to work pursuant to the common law as a trader-at-law, on a cash basis, without recourse to *Lawful Money* through no fault of mine, but due to an Act of Congress, HJR 192 of June 5, 1933, and the practices of the Federal Reserve (a privately owned corporation) since December 23, 1913 until the present.

12) That I claim all of my rights at all times, including my right to time, and that I do not waive any of my rights at any time for any reason whatsoever.

FURTHER AFFIANT SAITH NOT:

Subscribed and affirmed *Nunc Pro Tunc* the 23rd day of December in the year of our Lord, 1949.

Dated this 28th day of July in the year of our Lord, 1987.

William E. Tickel Jr.

WILLIAM E. TICKEL, JR.

Witnessed as affirmed by the affiant on the above date.

Witnesses:

Kenneth H Vega, an inhabitant of Illinois.

Fred Alexander, an inhabitant of Tennessee.

Steve Ward, an inhabitant of Tennessee.

TWO MISSTATEMENTS
OF THE GEORGIA APPEALS COURT

Judge Deen, in his concurring opinion, states that "Neither appellant's individual rights under the Common Law, nor his Equal Protection rights under the 14th Amendment to the U. S. Constitution and ... , have been violated." (Emphasis added). Appellant has never, never, never, claimed that anything under the Fourteenth Amendment has been violated. Appellant has no need of the Fourteenth Amendment and repeats again for the record that it is a matter of record that Appellant is not a Fourteenth Amendment Citizen and his Common Law Rights are not subject to purview through that Amendment.

Appellant is puzzled by Judge Deen's lengthy affirmation of a trial court decision which was not appealed. Demand was made by the Appellant at trial level for a judge "who is not a Mason or a Jew." The demand was overruled; and has not been referenced

by the Appellant, the State, or the courts since its denial. The reason for its inclusion by the learned judge is obvious. Petitioner feels obliged, under the circumstances, to set the record straight. It is Appellant's personal belief that the *Oath of Kol Nidre* is in conflict with the *Oath of Judges* as required in OCGA 15-6-6. It is impossible for the same person to keep faith with both.

Nor is it a secret that the Masonic Order is secret; and requires its members to swear to secret oaths. The unknown quantity of those oaths make any judge who has sworn them suspect. What assurances do the people who stand before the court have that those secret oaths are not also in conflict with the *Oath of Judges*, supra.?

AFFIDAVIT OF FILING AND SERVICE

I, William E. Tickel, Jr., Appellant In Propria Persona, do hereby dispose, affirm, and state the following to be true to the best of my knowledge and belief:

1) That forty (40) copies of this *JURISDICTIONAL STATEMENT* were posted to the Clerk of the Supreme Court of the United States at 1 First St, N.E., Washington, D.C. by Certified Receipt (Express Delivery) First Class Mail on July 29, 1987 and that I have said certification in my possession.

2) That thirty-nine (39) copies of the original *STATEMENT* were returned to me on August 3, 1987 for correction and subsequent resubmission in order for the case to be docketed.

3) That forty (40) copies of the corrected *JURISDICTIONAL STATEMENT* have been posted on the date indicated below to the Clerk of the Supreme Court of the United States at 1 First St, N.E., Washington, D.C. by Certified Receipt (Express Delivery) First Class Mail.

4) That in accordance with Rule 33, three (3) copies of this *JURISDICTIONAL STATEMENT* have been posted by First Class Mail to each of the addressees listed on the date indicated below.

MICHAEL J. BOWERS
Attorney General of Georgia
State Capitol Building
Atlanta, Ga. 30334
(404) 656-4586

JOSEPH H. BRILEY
District Attorney, Ocmulgee Circuit
P.O. Box 361
Gray, Ga. 31032
(912) 986-3166

Clerk, Supreme Court of Georgia
Room 572
244 Washington Street
Atlanta, Ga. 30334

Clerk, Appeals Court of Georgia
433 State Judicial Building
Atlanta, Ga. 30334

FURTHER AFFAINT SAITH NOT:

Dated this 21th day of August in the year of Our Lord, 1987.

William E. Tickel Jr.
William E. Tickel, Jr.

Subscribed to before me on the 14th day of August, 1987.

Carolyn Hendrix

My Commission expires on 3-25-90.